

# Exhibit



A

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND**

-----X  
**PAIGE DiFRANCESCO,**

**Plaintiff/Petitioner,**

**- against -**

**Index No. 037222/2018**

**RICHGOLD ASSOCIATES, WAL-MART STORES  
EAST, LP, and JOHN DOE CONTRACTING ENTITY (1-3),  
Defendant/Respondent.**

-----X  
**NOTICE OF ELECTRONIC FILING  
(Mandatory Case)  
(Uniform Rule § 202.5-bb)**

**You have received this Notice because:**

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

**The benefits of participating in e-filing include:**

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys  
(E-filing is Mandatory for Attorneys)**


An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site [www.nycourts.gov/efile](http://www.nycourts.gov/efile) ; or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated: December 11, 2018

  
MARC I. KISSEL  
Name

One Executive Boulevard, Suite 202  
Address

SCHULMAN & KISSEL, P.C.  
Firm Name

Suffern NY 10901

(845) 368-0104 xt. 234  
Phone

[mkissel@suffernlaw.com](mailto:mkissel@suffernlaw.com)  
E-Mail

To: Richgold Associates

140 Linden Drive

Kensington CT 06037

Wal-Mart Stores East, L.P.  
111 Eighth Avenue  
New York NY 10011

John Doe Contracting Entity (1-3)  
Unknown to plaintiff at this time  
New York, or New Jersey

6/6/18

**FILED: ROCKLAND COUNTY CLERK 12/07/2018 04:53 PM**

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INDEX NO. 037222/2018

RECEIVED NYSCEF: 12/07/2018

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

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Index No. 037222/2018

PAIGE DiFRANCESCO,

Date of Filing: 12/7/2018

Plaintiff,

Plaintiff designates

Rockland County as place of trial

-against-

The basis of the venue is:

RICHGOLD ASSOCIATES, WAL-MART STORES  
EAST, LP, and JOHN DOE CONTRACTING  
ENTITY (1-3),

Plaintiff's domicile; and location of  
injury

**SUMMONS**

Defendants.

Plaintiff resides at:  
32 Fawn Hill Drive  
Airmont NY 10952  
County of Rockland

To the above-named defendants:

***YOU ARE SUMMONED*** to answer the complaint in this action and to serve a copy of your answer on plaintiff's attorney within 20 days after the service of this summons, exclusive of the date of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Suffern, New York  
December 6, 2018



Marc I. Kissel, Esq.  
Schulman & Kissel, P.C.  
Attorney for Plaintiff  
One Executive Boulevard, Suite 202  
Suffern NY 10901-4157  
(845) 368-0104 x234  
(845) 368-0168 Facsimile  
E-mail: [mkissel@suffernlaw.com](mailto:mkissel@suffernlaw.com)

Defendant(s)' Address:

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Richgold Associates  
140 Linden Drive  
Kensington CT 6037

Wal-Mart Stores East, L.P.  
111 Eighth Avenue  
New York NY 10011

John Doe Contracting Entity (1-3)  
Unknown to plaintiff at this time  
New York, or New Jersey

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RECEIVED NYSCEF: 12/07/2018

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND**

---

Index No. 037222/2018

**PAIGE DiFRANCESCO,**

Plaintiff,

**VERIFIED COMPLAINT**

*-against-*

**RICHGOLD ASSOCIATES, WAL-MART STORES  
EAST, LP, and JOHN DOE CONTRACTING  
ENTITY (1-3),**

Defendants.

---

Plaintiff, through her attorney, Marc I. Kissel, of SCHULMAN & KISSEL, P.C.,  
complaining of defendants, alleges as follows:

1. At all times relevant the plaintiff was and still is a resident of the County of Rockland, State of New York.
2. Upon information and belief, at all times relevant, Defendant Richgold Associates, was and is foreign limited partnership, organized and existing under the laws of the State of Connecticut, authorized and doing business in, among other places, New York ("Richgold").
3. Upon information and belief, at all times relevant, Wal-Mart Stores East, LP was and is a foreign limited partnership organized and existing under the laws of the State of Delaware, authorized and doing business in, among other places, New York. ("Wal-Mart").
4. John Doe Contracting Entity (1-3) is the fictitious name(s) of the persons or entities, other than the above-named defendants, who, jointly or severally, caused or contributed to the

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condition(s) complained of in the matter, such persons or entities being unknown to plaintiff at this time. Upon information and belief, and subject to further discovery, the contracting agencies are New York or New Jersey entities.

5. Upon information and belief, at all times relevant, Richgold owned a parcel of land together with commercial improvements, including the parking lots servicing the commercial enterprises located thereon at 250 RT 59, in the Village of Airmont, Town of Ramapo, County of Rockland, State of New York. ("Premises").

6. Upon information and belief, Wal-mart is one of Richgold's tenants at the Premises.

7. Upon information and belief, at all times relevant, either Richgold or Wal-Mart was in possession and control of the Premises public parking lot.

8. Upon information and belief, at all times relevant, either Richgold or Wal-Mart operated the Premises public parking lot.

9. Upon information and belief, at all times relevant, either Richgold or Wal-Mart managed the Premises public parking lot.

10. On information and belief, at all times relevant, either Richgold or Wal-Mart, was responsible for the maintenance of the Premises public parking lot.

11. Upon information and belief, John Doe Contracting Entity (1-3), or one of them, was retained by either Richgold or Wal-Mart to perform repair or maintenance services at the Premises parking lot.

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12. At all times relevant, the Premises parking lot was open to the public for use by shoppers, including pedestrians and motor vehicles.

13. On or about February 7, 2017 at about 6:15 p.m., plaintiff Paige DiFrancesco was lawfully upon the Premises, particularly the parking lot, as a customer of the Shop Rite supermarket in the Premises shopping mall.

14. At the above-mentioned time and place, plaintiff Paige DiFrancesco was walking towards her vehicle within the parking lot of the Premises when she tripped and fell as a result of the defendants' negligence, and she sustained severe personal injuries.

15. The area where plaintiff fell was dangerous, unsafe, and defective.

16. The area where plaintiff fell was degraded, eroded, unlevel, uneven, and a tripping hazard.

17. The defendant's negligence consisted of, among other things: negligent maintenance and operation of the Premises; permitting the walking surface of the Premises to be and remain in a dangerous, unsafe and defective condition; failing to warn the members of the general public, and in particular the plaintiff Paige DiFrancesco of the dangerous and defective condition of the Premises; failing to correct the complained of condition; creating the dangerous condition; failing to maintain the Premises in a safe and clean condition; failing to train, maintain or retain adequate, sufficient and competent employees and independent contractors; allowing the area where plaintiff fell to become and remain a trap and a nuisance; allowing the asphalt area where plaintiff fell to degrade and erode; failing to exercise reasonable care for the safety of plaintiff



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and others; and failing to correct a dangerous and unsafe condition which the defendant either caused, knew of, or in the exercise of reasonable care should have known existed.

18. Plaintiff's slip and fall and the resulting injuries were caused by defendants' negligence, with no contributing negligence by plaintiff.

19. Upon information and belief, defendants, or one or more of them, created the dangerous and defective condition.

20. Upon information and belief, the defendants, or one or more of them, had actual and/or constructive notice of the dangerous and defective condition.

21. As a result of the defendant's negligence and the resulting accident, plaintiff sustained severe, permanent and personal injuries, including injuries to her right leg and foot, which injuries required, among other things, surgery at the right knee, and she will continue to be sick, sore, lame and disabled, was and will be required to spend money for medical care and treatment, has lost and will continue to lose wages, has and will continue to suffer pain and loss of enjoyment of life, and she has been otherwise damaged.

22. By reason of the foregoing, the plaintiff Paige DiFrancesco has been damaged in an amount to be determined, which amount exceeds the jurisdictional limitations of all lower courts that might otherwise have jurisdiction.

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WHEREFORE, plaintiff demands judgment against the defendants in an amount to be determined, which amount exceeds the jurisdictional limit of all lower courts, together with costs and disbursements on all causes of action and, such other and further relief as the Court may deem just and proper.

Dated: Suffern, New York  
December 6, 2018



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Marc I. Kissel, Esq.  
Schulman & Kissel, P.C.  
Attorney for Plaintiff  
One Executive Boulevard, Suite 202  
Suffern NY 10901-4157  
(845) 368-0104 x234  
(845) 368-0168 Facsimile  
E-mail: [mkissel@suffernlaw.com](mailto:mkissel@suffernlaw.com)

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**VERIFICATION**

STATE OF NEW YORK     )  
                                      ) SS:  
COUNTY OF ROCKLAND )

I, **Paige DiFrancesco**, being duly sworn depose and say that I am the plaintiff in this action; I have read the attached complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

  
Paige DiFrancesco

Sworn to before me on  
December 6, 2018

  
Notary Public

**ELISA CRABLE**  
Notary Public, State of New York  
No. 01CR6121191  
Qualified in Rockland County  
Commission Expires January 10, 2021

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**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND**

Index No. 037222/2018

**PAIGE DiFRANCESCO,**

*Plaintiff,*

*– against –*

**RICHGOLD ASSOCIATES, WAL-MART STORES EAST, LP,  
and JOHN DOE CONTRACTING ENTITY (1-3),**

*Defendant.*

***SUMMONS AND VERIFIED COMPLAINT***

**Schulman & Kissel, P.C.**  
Attorney for Plaintiff  
One Executive Boulevard, Suite 202  
Suffern, New York 10901  
(845) 368-0104

WM 19-110 PC  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

-----X  
PAIGE DIFRANCESCO,

**Index No.: 037222/18**

Plaintiff,

-against-

**VERIFIED ANSWER**

RICHGOLD ASSOCIATES, WAL-MART STORES  
EAST, LP, and JOHN DOE CONTRACTING  
ENTITY (1-3),

Defendants.  
-----X

The defendants, WAL-MART STORES EAST, LP and RICHGOLD ASSOCIATES, by their attorneys, BRODY, O'CONNOR & O'CONNOR, ESQS., answering the Verified Complaint herein state upon information and belief:

FIRST: Defendants deny having knowledge or information sufficient to form a belief as to the allegations set forth in paragraph marked "1", and each and every part thereof.

SECOND: Defendants deny the allegations set forth in paragraph marked "2", except admit that RICHGOLD ASSOCIATES is a foreign limited partnership registered to do business in the State of New York.

THIRD: Defendants deny having knowledge or information sufficient to form a belief as to the allegations set forth in paragraph marked "4", and each and every part thereof.

FOURTH: Defendants deny the allegations set forth in paragraphs marked "7", "8", "9", and "10", except admit that WAL-MART STORES EAST, LP is responsible for the maintenance of the parking lot at 250 Route 59, Suffern, New York.

FIFTH: Defendants deny having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked "11", "12", and "13", and each and every part thereof.

SIXTH: Defendants deny the allegations set forth in paragraph marked "14", and each and every part thereof.

SEVENTH: Defendants deny having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked "15", and "16", and each and every part thereof.

EIGHTH: Defendants deny the allegations set forth in paragraphs marked "17", "18", "19", "20", and "21", and each and every part thereof.

NINTH: Defendants deny having knowledge or information sufficient to form a belief as to the allegations set forth in paragraph marked "22", and each and every part thereof.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

TENTH: The plaintiff was guilty of culpable conduct, including contributory negligence and/or assumption of risk, and should an award be made to plaintiff, same should be diminished in the proportion which the culpable conduct and/or contributory negligence and/or assumption of risk attributable to the plaintiff bears to the culpable conduct and/or negligence which caused the damages.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

ELEVENTH: In the event that plaintiff recovers judgment against this answering defendant and it is determined that plaintiff's damages were caused in whole or in part by two or more joint tortfeasors, then defendant's liability herein for non-economic loss may not exceed its equitable share of said damages in accordance with its relative culpability, as provided by Section

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1601 of the CPLR.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

TWELFTH: Plaintiff's recovery, if any, shall be reduced by the amount of any collateral payments received, in accordance with CPLR Section 4545.


WHEREFORE, defendants, WAL-MART STORES EAST, LP and RICHGOLD ASSOCIATES, request judgment dismissing the Complaint herein, together with costs and disbursements of this action.

Dated: Northport, New York  
January 22, 2019

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.  
Attorneys for Defendants  
WAL-MART STORES EAST, LP and  
RICHGOLD ASSOCIATES

By:

  
\_\_\_\_\_  
PATRICIA A. O'CONNOR  
7 Bayview Avenue  
Northport, New York 11768  
(631) 261-7778  
File No.: WM 19-110 PC

TO: SCHULMAN & KISSEL, P.C.  
Attorneys for Plaintiff  
One Executive Boulevard, Suite 202  
Suffern, New York 10901  
(845) 368-0104

**AFFIRMATION BY ATTORNEY**

The undersigned, an attorney admitted to practice in the Courts of the State of New York, shows:

That affirmant is the attorney for the defendant in the within action; that affirmant has read the foregoing Verified Answer and knows the contents thereof; that the same is true to the affirmant's knowledge, except as to the matters therein stated to be alleged on information and belief; and that as to those matters, affirmant believes it to be true.

Affirmant further says that the reason this Verification is made by deponent and not by the defendant is that defendant is a foreign limited partnership.

The grounds of belief as to all matters not stated upon deponent's knowledge are documents, correspondence and records maintained in your deponent's files and conversations and conferences had with the defendant.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: Northport, New York  
January 22, 2019

  
\_\_\_\_\_  
PATRICIA A. O'CONNOR



AFFIDAVIT OF MAILING

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF SUFFOLK    )

DEBRA SANACORA, being duly sworn, deposes and says:

That your deponent is not a party to this action, is over 18 years of age and resides at Ronkonkoma, New York.

That on the 29 day of January, 2019, deponent served the within VERIFIED ANSWER and AFFIRMATION BY ATTORNEY

UPON:

SCHULMAN & KISSEL, P.C.  
Attorneys for Plaintiff  
One Executive Boulevard, Suite 202  
Suffern, New York 10901  
(845) 368-0104

The address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
\_\_\_\_\_  
DEBRA SANACORA

Sworn to before me this  
29 day of January, 2019.

  
\_\_\_\_\_  
NOTARY PUBLIC

PATRICIA A. O'CONNOR  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02OC6028806  
Qualified in Suffolk County  
My Commission Expires 06-06-22

STATE OF NEW YORK, COUNTY OF

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I, the undersigned, am an attorney admitted to practice in the courts of New York, and  
 certify that the annexed

has been compared by me with the original and found to be a true and complete copy thereof.

say that I am the attorney of record, or of counsel with the attorney(s) of record, for  
 I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information  
 and belief; and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon  
 knowledge, is based upon the following:

The reason I make this affirmation instead of

19

I affirm that the foregoing statements are true under penalties of perjury.  
 Dated:

STATE OF NEW YORK, COUNTY OF

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being sworn says: I am

in the action herein; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on  
 information and belief; and as to those matters I believe them to be true  
 the

of  
 a corporation, one of the parties to the action; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on  
 information and belief; and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on

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(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

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age and reside at

On

20

I served a true copy of the annexed  
 in the following manner:

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service,  
 addressed to the address of the addressee(s) indicated below, which has been designated for service by the addressee(s) or, if no such address  
 has been designated, is the last-known address of the addressee(s).

by delivering the same personally to the person at the address indicated below.

by transmitting the same to the attorney by facsimile transmission to the facsimile telephone number designated by the attorney for that  
 purpose. In doing so, I received a signal from the equipment of the attorney served indicating that the transmission was received,  
 and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the  
 U.S. Postal Service, addressed to the address of the addressee(s) as indicated below, which has been designated for service by the  
 addressee(s) or, if no such address has been designated, is the last-known address of the addressee(s).

by transmitting the same to the attorney by electronic means upon the party's written consent. In doing so, I indicated in the subject matter  
 heading that the matter being transmitted electronically is related to a court proceeding.

by depositing the same with an overnight delivery service in a wrapper properly addressed, the address having been designated by the  
 addressee(s) for that purpose or, if none is designated, to the last-known address of addressee(s). Said delivery was made prior to the latest  
 time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below.